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September 23, 2021

VIA ECF

The Honorable Katherine Polk Failla
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

MEMO ENDORSED

Re: *Iowa Pub. Emps.' Ret. Sys. et al. v. Bank of Am. Corp. et al.*, No. 17-cv-6221 (KPF)

Dear Judge Failla:

We write on behalf of Class Plaintiffs regarding Plaintiffs' forthcoming Reply Memorandum of Law in Support of our Motion for Class Certification, and associated papers, which are due on October 5.

Plaintiffs respectfully request permission to file a 35-page reply brief in support of our class certification motion. We submit that this request is justified because Defendants filed a 50-page opposition to Plaintiffs' motion for class certification, in which they advance a large number of arguments, each of which Plaintiffs must respond to. As some indication, Defendants' brief includes 21 headings for argument topics—including regarding predominance, adequacy of Plaintiffs and their counsel, superiority, the jurisdictional requirements of the FTAIA, supposedly uninjured class members, the length of the class period, and still more—and Defendants made many of these arguments by, in part, incorporating their voluminous expert reports, which total more than 550 pages. This is Plaintiffs' first and only opportunity to respond to these arguments. Defendants also have submitted a series of 12 new declarations spanning 107 pages (234 pages including the declaration exhibits), and numerous additional exhibits. Accordingly, Plaintiffs respectfully submit that 35 pages are necessary to permit us to respond to each of Defendants' arguments, which we will endeavor to do as concisely as possible.

We have informed Defendants of our request and they oppose any request that exceeds 20 pages.

Respectfully submitted,

/s/ Michael B. Eisenkraft
Michael B. Eisenkraft
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/s/ Daniel L. Brockett
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Application GRANTED. Plaintiffs' shall be permitted 35 pages for their reply brief in support of their motion for class certification. The Court wishes to emphasize, however, that it will not accept formatting contrivances designed to circumvent this page limit, such as excessive footnoting or minuscule font.

Date: September 24, 2021 SO ORDERED.
New York, New York



HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE